

IN SENATE OF THE UNITED STATES.

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JUNE 18, 1836.

Read, and ordered to be printed.

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Mr. CLAY made the following

REPORT:

*The Committee on Foreign Relations, to whom were referred resolutions of the Legislature of Connecticut, sundry memorials, and other proceedings of various meetings of the people, all recommending the recognition of the independence of Texas, have, according to order, had them under consideration, and now beg leave to submit to the Senate the following report and resolution:*

The right of one independent Power to recognise the fact of the existence of a new Power, about to assume a position among the nations of the earth, is incontestable. It is founded upon another right, that which appertains to every sovereignty to take care of its own interests, by establishing and cultivating such commercial or other relations with the new Power as may be deemed expedient. Its exercise gives no just ground of umbrage or cause of war. The policy which has hitherto guided the Government of the United States in respect to new Powers, has been to act on the fact of their existence, without regard to their origin, whether that has been by the subversion of a pre-existing government, or by the violent or voluntary separation of one from another part of a common nation. In cases where an old and established nation has thought proper to change the form of its government, the United States, conforming to the rule which has ever governed their conduct, of strictly abstaining from all interference in the domestic concerns of other states, have not stopped to inquire whether the new government has been rightfully adopted or not. It has been sufficient for them that it is in fact the government of the country, in practical operation. There is, however, a marked difference in the instances of an old nation which has altered the form of its government, and a newly-organized Power which has just sprung into existence. In the former case, (such, for example, as was that of France,) the nation had existed for ages as a separate and independent community. It is matter of history; and the recognition of its new Governments was not necessary to denote the existence of the nation; but, with respect to new Powers, the recognition of their Governments comprehends, first, an acknowledgment of their ability to exist as independent States, and, secondly, the capacity of their particular

Governments to perform the duties and fulfil the obligations towards foreign Powers incident to their new condition. Hence, more caution and deliberation are necessary in considering and determining the question of the acknowledgment of a new Power than that of the new Government of an old Power.

The Government of the United States has taken no part in the contest which has unhappily existed between Texas and Mexico. It has avowed its intention, and taken measures to maintain a strict neutrality towards the belligerents. If individual citizens of the United States, impelled by sympathy for those who were believed to be struggling for liberty and independence against oppression and tyranny, have engaged in the contest, it has been without the authority of their Government. On the contrary, the laws which have been hitherto found necessary or expedient to prevent citizens of the United States from taking part in foreign wars have been directed to be enforced.

Sentiments of sympathy and devotion to civil liberty, which have always animated the People of the United States, have prompted the adoption of the resolutions and other manifestations of popular feeling which have been referred to the committee, recommending an acknowledgment of the independence of Texas. The committee share fully in all these sentiments; but a wise and prudent Government should not act solely on the impulse of feeling, however natural and laudable it may be. It ought to avoid all precipitation, and not adopt so grave a measure as that of recognising the independence of a new Power until it has satisfactory information, and has fully deliberated.

The committee have no information respecting the recent movements in Texas except such as is derived from the public prints. According to that, the war broke out in Texas last autumn. Its professed object, like that of our revolutionary contest, in the commencement, was not separation and independence, but a redress of grievances. In March last, independence was proclaimed, and a constitution and form of government were established. No means of ascertaining accurately the exact amount of the population of Texas are at the command of the committee. It has been estimated at some sixty or seventy thousand souls. Nor are the precise limits of the country which passes under the denomination of Texas known to the committee. They are probably not clearly defined, but they are supposed to be extensive, and sufficiently large, when peopled, to form a respectable Power.

If the population is small; if, when compared with that of the United Mexican States, amounting probably to not less than eight millions of souls, the contest has been unequal, it has, nevertheless, been maintained by Texas with uncommon resolution, undaunted valor, and eminent success: and the recent signal and splendid victory in which that portion of the Mexican army which was commanded by General Santa Ana, the President of the Mexican Government, in person, was entirely overthrown, with unexampled slaughter, compared with the inconsiderable loss on the other side, put to flight and captured, including among the prisoners the President himself and his staff, may be considered as decisive of the independence of Texas. That memorable event will probably be followed by negotiations which may lead to the acknowledgment by Mexico of the independence of Texas, and the settlement of its

boundaries. And, under all circumstances, it might, perhaps, be more conformable with the amicable relations subsisting between the United States and the United Mexican States, that the latter should precede the former in the acknowledgment of the independence of Texas. But if the war should be protracted, or if there should be unreasonable delay on the part of the Mexican Government, the Government of the United States ought not to await its action.

The recognition of Texas as an independent Power may be made by the United States in various ways: 1st, by treaty; 2d, by the passage of a law regulating commercial intercourse between the two Powers; 3d, by sending a diplomatic agent to Texas, with the usual credentials; or, lastly, by the Executive receiving and accrediting a diplomatic representative from Texas, which would be a recognition as far as the Executive only is competent to make it. In the first and third modes the concurrence of the Senate, in its executive character, would be necessary; and, in the second, in its legislative character. The Senate alone, without the co-operation of some other branch of the Government, is not competent to recognise the existence of any Power.

The President of the United States, by the constitution, has the charge of their foreign intercourse. Regularly, he ought to take the initiative in the acknowledgment of the independence of any new Power. But, in this case, he has not yet done it, for reasons which he, without doubt, deems sufficient. If, in any instance, the President should be tardy, he may be quickened in the exercise of his power by the expression of the opinion, or by other acts, of one or both branches of Congress, as was done in relation to the republics formed out of Spanish America. But the committee do not think that, on this occasion, any tardiness is justly imputable to the Executive. About three months only have elapsed since the establishment of an independent Government in Texas; and it is not unreasonable to wait a short time to see what its operation will be, and especially whether it will afford those guarantees which foreign Powers have a right to expect, before they institute relations with it.

Taking this view of the whole matter, the committee conclude by recommending to the Senate the adoption of the following resolution:

*Resolved*, That the independence of Texas ought to be acknowledged by the United States whenever satisfactory information shall be received that it has in successful operation a civil Government, capable of performing the duties and fulfilling the obligations of an independent Power.

